



Chauncy Smith,
Petitioner,

**STATE OF NEW JERSEY
DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT**

v.

Polymer Dynanix,
Respondent.

**FINAL ADMINISTRATIVE ACTION
OF THE
COMMISSIONER**

**OAL DKT. NO. LID 00474-24
AGENCY DKT. NO. 3-1/2024**

Issued: March 31, 2025

Petitioner, Chauncy Smith, filed a complaint with the Department of Labor and Workforce Development on June 29, 2023, alleging that respondent, Polymer Dynanix, discriminated against him regarding his employment in retaliation for his having filed a workers' compensation claim in violation of N.J.S.A. 34:15-39.1. Specifically, petitioner alleged that respondent terminated his employment as a machine operator because he had filed a workers' compensation claim after seeking medical treatment for a finger injury sustained while operating an extruder at work. The matter was transferred to the Office of Administrative Law (OAL) for determination as a contested case, pursuant to N.J.S.A. 52:14F-1 et seq. Following a hearing, Administrative Law Judge (ALJ) Sarah G. Crowley found that respondent had terminated petitioner's employment, not because he had filed a workers' compensation claim, but rather, because following his finger injury¹ he had been cleared to return to work by his doctor, but failed to do so and failed to follow up with respondent, thereby abandoning his employment. Consequently, the ALJ issued an initial decision recommending that the petitioner's discrimination complaint be dismissed. No exceptions to the initial decision were filed.

¹ A June 2, 2023, medical report from Robert Wood Johnson University Hospital Emergency Department (Exhibit P-2) indicates that an examination of Mr. Smith's left hand, including x-rays, yielded the following findings: "Soft tissues: Within normal limits; Bones/Joint Spaces: No fracture or malalignment"

An agency head need not defer to the findings of an ALJ. In re Kallen, 92 N.J. 14, 20 (1983). Indeed, he need not adopt any of the findings reached by an ALJ in her Initial Decision. Application of the County of Bergen, 268 N.J. Super. 403, 414 (App. Div. 1993). However, the agency head may not ignore an ALJ's abundantly supported conclusions. P.F. v. New Jersey Division of Disability, 139 N.J. 522, 530 (1995); Department of Health v. Tegnaxzian, 194 N.J. Super. 435, 450 (App. Div. 1984). Rather, where there is substantial evidence on all sides of the issues addressed, no findings made or conclusions reached that are based on that evidence and are otherwise within the ALJ's discretionary authority will be seen to be arbitrary, capricious or unreasonable. Application of the County of Bergen, *supra*, at 411; Application of N.J. Bell Telephone Co., 219 N.J. Super. 77, 89 (App. Div. 1996).

In the present case, the ALJ has produced a convincing decision. I will, therefore, accord to the ALJ the deference due her as the trier of fact and the person who directly observed the witnesses, their demeanor and deportment, as well as the quality of their individual testimony and evidence produced in support of their testimony. In addition, having considered the entire case record and the ALJ's Initial Decision, and having conducted an independent evaluation of the record, I have accepted and adopted the findings of fact, conclusions, and recommendation of the ALJ.

ORDER

Therefore, it is ordered that the discrimination complaint of Chauncy Smith be dismissed.

This is the final administrative decision in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE COMMISSIONER,
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT



Robert Asaro-Angelo, Commissioner
Department of Labor and Workforce Development

Inquiries & Correspondence:

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
P.O. Box 110-13th Floor
Trenton, New Jersey 08625-0110